

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

GEOFFREY GRAY, et al.,

Plaintiffs,

v.

WASHINGTON STATE DEPARTMENT  
OF TRANSPORTATION, ROGER  
MILLAR, JEFF PELTON, MARK  
NITCHMAN, and KIMBERLY  
MONROE FLAIG,

Defendants.

No. 3:23-cv-05418-DGE

DEFENDANTS' MOTION TO  
EXCEED WORD LIMITS FOR  
MOTION TO DISMISS

NOTE ON MOTION CALENDAR:  
June 29, 2023

Defendants respectfully move, pursuant to LCR 7(f), to exceed the default word limits for their forthcoming Motion to Dismiss and Reply. Defendants request leave to file a Motion of no more than 12,000 words and a Reply of no more than 6,000 words. If leave is granted, LCR 7(f)(4) would allow Plaintiffs to file an opposition brief of no more than 12,000 words.

Good cause exists to exceed the word limits for the Motion. The Complaint includes 60 plaintiffs with unique circumstances. The 60 Plaintiffs were previously employed in various roles with the Washington State Department of Transportation (WSDOT) in numerous locations across the state and allege individualized facts related to their claims. Plaintiffs allege 14 causes of actions against Defendants WSDOT and four individual WSDOT supervisors: its Secretary of

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2 Transportation Roger Millar, Human Resources Director Jeff Pelton, Deputy Director of Human  
3 Resources Kimberly Flaig, and Staff Chief Engineer Mark Nichtman (Individual Defendants).  
4 These claims include both federal and state constitutional claims as well as statutory claims,  
5 making it difficult to adequately address all claims within LCR 7(e)(3)'s 8,400-word dispositive  
6 motion limit and 4,200-word reply limit. Additionally, because Plaintiffs assert claims against  
7 WSDOT as an agency and the Individual Defendants in their individual capacities, addressing each  
8 of them requires some additional analysis to address legal issues unique to each Defendant. Finally,  
9 although the Individual Defendants could theoretically file a separate 8,400-word motion to  
10 dismiss addressing issues specific to them, judicial economy is better served by a combined  
11 12,000-word brief that avoids repetition of common factual and legal issues.

12 Defendants acknowledge that such requests should normally be filed "no later than three  
13 days before the underlying motion or brief is due." LCR 7(f)(1). Here, however, the necessity of  
14 filing an overlength motion to dismiss only became clear to Defendants today, and upon so  
15 realizing they promptly took steps to file this motion. Defendants' counsel contacted Plaintiffs'  
16 counsel by email earlier today to ask whether Plaintiffs opposed this motion. As of the time of this  
17 filing, Defendants' counsel had not yet received a response.

18 Accordingly, for the foregoing reasons, Defendants respectfully request that the Court  
19 grant this motion. A proposed order is submitted herewith.  
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DATED this 29th day of June, 2023.

PACIFICA LAW GROUP LLP

By: /s/Zachary J. Pekelis  
Zachary J. Pekelis, WSBA # 44557  
1191 Second Avenue, Suite 2000  
Seattle, WA 98101  
Zach.pekelis@pacificallawgroup.com

*Counsel for Defendants*